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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,187	12/10/1999	MOHAMMAD PEYRAVIAN	P-4541.006	9759
24112	7590	10/19/2004		
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602				
			EXAMINER SIMITOSKI, MICHAEL J	
			ART UNIT 2134	PAPER NUMBER

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/459,187

**Applicant(s)**

PEYRAVIAN ET AL.

**Examiner**

Michael J Simitoski

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-12 are pending.
2. The response of 8/3/04 was received and considered.

### ***Response to Arguments***

3. Applicant's arguments filed 8/3/04 have been fully considered but they are not persuasive.

4. Applicants arguments from the response filed 8/3/04 are as follows:

(1) Haber does not teach computing a time difference (page 5, ¶3), in that he does not compute the difference between the current "time of receipt" *and* a separate, predetermined time reference (page 6, ¶2)

(2) Haber necessarily does not disclose certifying with a private signature key associated with said predetermined time reference, because he fails to disclose a reference time (page 6, ¶3), and

(3) Because Haber uses a plurality of chronologically sequential current times in the time stamp receipt, a signature of the TSA is superfluous.

5. Regarding argument (1), Haber signs a document with a recorded time is a standard 32-bit computer representation (col. 6, lines 15-24). This representation is a well known in the art as the number of seconds or milliseconds that have past since a reference time (which must exist), or a literal statement representing Greenwich Mean Time, which is well known in be a reference time from which geographically-specific times are calculated by adding or subtracting an offset.

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This time is a reference time (called an epoch). A computer clock, by definition, computes the difference between this reference time and the time of computation. As there are no official reference times, and many exist, this is an active computation. Further, it is this value that is used to certify the document (col. 2, lines 36-45).

6. Regarding argument (2), Haber discloses certifying/signing the timestamp with a verifiable signature scheme (col. 3, lines 61-68) where the public key method is used and a public key proves the author of the certificate (col. 3, lines 61-68). This uses a private key (col. 2, lines 5-10) to sign the document. Further, because there is only a single reference time in the Haber reference and one private key, the private key is associated with the time reference as it is used to sign the all certificates associated with that reference time.

7. Regarding argument (3), Haber discloses signing the timestamp with a private key (col. 2, lines 5-10 & col. 3, lines 61-68). Regardless of whether or not the private key signature is “superfluous”, Haber nonetheless discloses the method step.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,136,647 to Haber et al. (Haber).

Regarding claims 1 & 10-12, Haber discloses receiving identifying data/hash (Fig. 1, #12) associated with said document at an outside agency (Fig. 1, #13 & col. 2, lines 56-66), computing at said outside agency a time difference between a predetermined time reference/reference of computer clock (col. 6, lines 15-24) and the time of receipt of said identifying data/hash (Fig. 1), creating a time stamp receipt by associating said time difference with said identifying data/hash and certifying said time stamp receipt by signing said time stamp receipt at said outside agency (Fig. 1, #17) with a private signature key associated with said predetermined time reference (col. 2, lines 5-10 & col. 3, lines 61-68).

Regarding claim 2, Haber discloses the transmission of the receipt "back to the author where it is held for later use in required proof of such existence" (col. 3, lines 1-5 & col. 4, lines 19-23).

Regarding claims 3-5, Haber discloses applying a "deterministic function" such as a "oneway hash" function to all or part of the document data (see ABSTRACT, lines 5-8 & col. 3, lines 6-14).

Regarding claims 6-7, Haber discloses a digital receipt, which is an encrypted representation of data such as the current time concatenated with at least a portion of the digital representation of the document (col. 4, lines 6-16 & col. 8, lines 59-68).

Regarding claims 8-9, Haber further discloses including identifying data, such as an author ID number and sequential receipt number, with the digital document data and current time in the certified receipt (col. 4, lines 6-16).

### ***Conclusion***

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (703) 305-8191. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. - 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached at (703) 308-4789.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**Or faxed to:**

(703)746-7239 (for formal communications intended for entry)

**Or:**

(703)746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

*NOTE: After October 19, 2004, Michael Simitoski can be reached at (571) 272-3841, Greg Morse can be reached at (571) 272-3838 and general inquiries can be directed to (571) 272-2100.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MJS

October 6, 2004

GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

